

**Town of La Pointe Zoning
Town Plan Commission Regular Monthly Meeting Minutes
June 15, 2011**

Town Plan Commission (TPC) Members Present: Ted Pallas, Chair, Charles Brummer, Vice-Chair, Larry Whalen, Greg Thury, Ron Madich, Suellen Soucek, Carey Baxter (7).

Town Plan Commission Members Absent: none.

Public Present: Marina Lachecki, Lois Carlson, Mike Starck, Ted Michael, Dawn Michael, Pete Rogers, Craig Benware, Charlie Meech, Dick Hoffman, Jim Rogers, Barb Rogers, Paul Brummer, Steve McHugh (13).

Town Staff Members Present: J. Croonborg-Murphy, ZA, Margaretta Kusch, ZCA (2).

I. Call to Order/Roll Call

Chair Pallas called the meeting to order at 4:32 PM at the Town Hall. Roll call reflected members present or absent as recorded above.

II. Public Comment

A letter is received from Jim Hillis (attached to these minutes and part of the permanent record). In it, he states that he took a painting class at the Madeline Island School of the Arts in May, and that all the 14 students and 2 instructors *“were served breakfast and lunch from local caterers. And all (plus spouses) ate dinner at local restaurants”* and he hopes this fact may be relevant to any discussion.

Paul Brummer reads aloud a letter regarding the 6/10 Town Board special meeting (attached to these minutes and part of the permanent record). In it, he states that he feels that the Town chair’s statement of that night that *“nearly everyone who comes and speaks at the Public Hearing for a Conditional Use Permit is opposed to the Conditional Use Permit”* was *“nothing more than speculation.”* Mr. Brummer further writes that he doesn’t agree with the statement of one of the Town Board members that *“people who are against the expansion of Big Bay Town Park are against change.”*

L. Whalen questions why the Chamber of Commerce said that the Clubhouse wasn’t available for the Chequamegon Bay Chef’s Expo when Tom George told him (L. Whalen) that it was.

Lois Carlson responds that Mr. George did tell the Chamber that the Clubhouse wasn’t available, as the music camp would be in session, and that she still has that message saved on her voicemail.

III. Approval of Previous Meeting Minutes

a. Town Plan Commission Special Monthly Meeting, June 1, 2011

- Add Carey Baxter to Town Plan Commission members present.
- In item IV, insert *“into”* after *“the Town Plan Commission will be looking.”*
- In item V.a, third paragraph, change *“part of a private”* to *“an.”*
- In item V.a, fourth paragraph, change *“C. Brummer move recommend”* to *“C. Brummer moves to recommend”* and insert *“and”* between *“building lines”* and *“submit original Certified Survey Map for signatures.”*
- In item V.b, second paragraph, add *“it’s meant to be”* to the end of final sentence.

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- In item V.b, fourth paragraph, change second sentence to *“One camping unit is the one they live in, one is used as storage, and one is used for camping off the island.”*
- In item V.b, tenth paragraph, insert *“travel trailer”* after all three instances of the word *“one.”*
- In item V.b, eleventh paragraph, second bullet point, change *“one of the travel trailers”* to *“building.”*
- In item V.b, eleventh paragraph, third bullet point, change *“three”* to *“two.”*
- In item V.b, eleventh paragraph, add a new third bullet point to read *“Apply for an accessory structure for one of the travel trailers.”*

G. Thury moves to approve the Town Plan Commission Special Monthly Meeting minutes of June 1, 2011, as amended. S. Soucek seconds. All in favor, 7 aye. Motion Carries.

IV. Zoning Administrator’s Report

On file. The Zoning Administrator notes that the Zoning vehicle is having some trouble, and will only be used on island. Chair Pallas recommends the Zoning Administrator use another Town vehicle if necessary and a vehicle is available.

V. Consideration and/or Action of Permit Applications

VI. New Business

a. Interpretation of Craftivity, Inc. Conditional Use Permit at 978 Middle Rd, LP #014-00178-0200 re: Paul Brummer complaint, dated May 31, 2011.

- **Is a “gift store” compliant with the Conditional Use Permit?**
- **Was hosting the Madeline Island Wilderness Preserve annual spring meeting and spring reception compliant with the Conditional Use Permit?**

The Zoning Administrator states that Attorney Fauerbach has given his opinion on the complaint. She has also inspected the property, with the owner’s permission. She has put together a packet of information for each Commissioner with the Attorney opinion, her memo regarding her inspection, and relevant background history and information.

The Zoning Administrator further states that there is not a deadline to give an interpretation on this complaint.

The Town Plan Commission is in agreement that they need more time to thoroughly read over the packet of information.

Chair Pallas states that all of the Town Plan Commission will have to visit the site in person. He asks Mr. Meech if this is all right. Mr. Meech responds that he does not want anyone showing up without an appointment as classes are often in session, and would prefer that Commissioners make appointments prior and not come in groups larger than two people.

Chair Pallas states that the process for looking at this complaint will be that the Town Plan Commission will give the Zoning Administrator an interpretation of the complaint and she will then give a recommendation to the Town Board, who will take the next step.

The Zoning Administrator clarifies that if the Town Plan Commission decides that the uses in Mr. Brummer's complaint are in fact compliant with the Conditional Use Permit, she would dismiss the complaint. If they find one or both of the uses not compliant with the Conditional Use Permit, she would file a petition to the Town Board to amend, modify, or revoke the Conditional Use Permit.

Chair Pallas states that a special meeting will be scheduled to deal with this complaint before July 6th (the next scheduled Special Monthly Meeting), but not until every Commissioner has had the chance to visit the property.

b. St. John's UCC question: is a clay oven a structure?

Pastor Lachecki states that the church, in connection with the Community Garden, wants to develop the picnic area around St. John's and the proposed oven would be a layer of that, in that it would be used as a bread oven. There are two potential sites to place the oven, one between the church and craft shop, and the other between the church and the Memorial Garden. She further states that the health inspector has visited the church kitchen and said that it's not to be used commercially.

There is also a question about whether a carport-style shelter could be built over it to protect it from the elements, or whether it should just be tarped over the winter.

The Zoning Administrator states that the County will call this a structure, as it will be on a concrete pad. She also thinks that the carport would require a permit, but wonders if the oven itself would require one.

C. Brummer states that the proposed Ordinance lists "brick BBQ" as an accessory structure not requiring a permit, and feels that this oven could be considered the same. However, he doesn't feel that the current Ordinance would allow the oven without a permit.

The Town Plan Commission recommends that if St. John's wants to build this oven before the new Ordinance becomes valid, the church should apply for a permit, and apply for the carport cover as well, just to cover all the bases.

The Zoning Administrator states that the permitting process won't take long, but that Larry Hildebrandt will want to inspect the site as well, and he will help determine the best location for the oven.

VII. Old Business

i. Zoning Ordinance Revision Project

1. Attorney Fauerbach's review of second draft from May 11, 2011

Mr. Fauerbach's review was received June 6, 2011. The Town Plan Commission discuss his recommendations and make changes to the Zoning Ordinance second draft as listed in the following item.

2. Discuss and possibly make changes to draft Zoning Ordinance Sections 1-16 and Zoning Map, in consideration of attorney opinion

- In 2.1, change Accessory Structure definition to read "*A detached subordinate structure is one that is clearly incidental to and customarily found in connection with the principal structure or use to which it is related. If a structure is attached to the principal building it shall be considered a part of the principal building. Attached*

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structures shall conform to the setback and other dimensional requirements of the district within which it is located. All other accessory structures shall also conform to the setback requirements of the principal building in the district within which it is located. Refer to Section 4.2.G of this Ordinance.”

- In 3.2, W-P Wetland Protection Overlay District and in 16.4 Zoning District Use Matrix, add “Forest Management Program” as a conditional use.
- In 4.2.G, Accessory Uses and Structures, change second sentence from “*If attached to the principal building, shall be considered part of the original building*” to “*If a structure is attached to the principal building, it shall be considered part of the principal building.*”
- In 4.2.G, Accessory Uses and Structures, third sentence, delete “*other*” from between “*All*” and “*accessory structures.*”
- In 6.1.H, Boarding Houses and Rooming Houses, item 3.a, change text from “*Within six (6) months of amendment of this Ordinance the owner must prove the legality of the nonconforming use by the greater weight of credible evidence. The original nonconforming use shall not in its lifetime have been added to, expanded, changed, or discontinued for a period of twelve (12) months*” to “*The owner of the property must prove by the greater weight of credible evidence that the original use was not substantially changed or expanded nor discontinued for a period of twelve (12) months.*”
- In 6.1.H.6, change “*regulating governing body*” to “*Zoning Board of Appeals.*”
- In 6.1.H.7, second sentence, delete “*and any Conditional Use Permit issued to the property.*”
- In 7.2.G, add the word “*to*” between “*Town Plan Commission decides*” and “*issue a Conditional Use Permit.*”
- Change title of Section 9 from “*Nonconforming Uses*” to “*Nonconforming Uses and Structures.*”
- Change title of Section 9.1 from “*Nonconforming Uses and Structures*” to “*Nonconforming Uses.*”
- In 9.1.B, add a second sentence to read “*The owner of the property must prove by the greater weight of credible evidence that the original use was not substantially changed or expanded nor discontinued for a period of twelve (12) months.*”
- In 13.5.C, add “*Interpret all prior applications or permits issued for a particular parcel of land, including a Conditional Use Permit*” as a second sentence.

C. Brummer moves to approve the second draft of the Ordinance with all the corrections up to this date and the revised zoning map as of this date, June 15, 2011. G. Thury seconds. All in favor, 7 aye. Motion Carries.

3. Possibly schedule Public Hearing

Chair Pallas moves to schedule Public Hearing for July 13th and 20th at 5 pm in the school gym. C. Brummer seconds. All in favor, 7 aye. Motion Carries.

VIII. Future Agenda Items

IX. Schedule Future Meetings

X. Adjournment

G. Thury moves to adjourn. S. Soucek seconds. All in favor. Motion Carries. Meeting ends at 6:00 pm.

Town Plan Commission minutes respectfully submitted by Margaretta Kusch, ZCA on Sunday, June 19, 2011.

Town Plan Commission minutes are approved as amended by Margaretta Kusch, ZCA on Wednesday, July 06, 2011.